

87<sup>th</sup> Regular  
Legislative Session

# Gun Law Update

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# 87<sup>th</sup> Regular Legislative Session

## HB 1920

- Effective 9/1/2021
- amends definition of “secured area” of an airport

## HB 1927

- Effective 9/1/2021
- Much more expansive
- This is the bill that the Legislature referred to as “constitutional carry”

# Statutes Amended:

## HB 1920

- Texas Penal Code § 46.03

## HB 1927

- Texas Code of Criminal Procedure Articles 14.03, 55.01, & 55.02
- Texas Government Code Chapter 411
- Texas Labor Code § 52.062
- Texas Local Government Code § 229.001
- Texas Penal Code §§ 30.05, 30.06, 30.07, 46.02, 46.03, 46.04, & 46.15

"Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law, or an aircraft parking area that is used by common carriers in air transportation but not by general aviation and to which access is controlled under federal law. The term does not include a baggage claim area, a motor vehicle parking area used by passengers, employees, or persons awaiting an arrival, or an area used by the public to pick up or drop off passengers or employees."

## HB 1920

# HB 1927

- ◆ Eliminates permitting requirements for handguns
- ◆ Most citizens 21 and older can carry handguns in public, concealed or openly in a holster
- ◆ Exceptions:
  - ◆ Convictions of certain crimes
  - ◆ Carrying in certain locations (Tex. Penal Code § 46.03)
- ◆ Permits may still be obtained
  - ◆ Reciprocity with other states

# Who may not carry a handgun?

- ◆ Persons convicted of the following crimes, “in the five-year period preceding the date the instant offense was committed”:
  - ◆ Assault involving bodily injury, including one’s spouse
  - ◆ Deadly conduct, including discharging a firearm at persons, a habitation, a vehicle or a building
  - ◆ Terroristic threat
  - ◆ Discharging firearm in public place
  - ◆ Displays firearm or other deadly weapon in a public place in a manner calculated to alarm
- ◆ Persons convicted of a felony or a family violence offense
- ◆ Persons subject to certain protective orders

# Who may not carry a handgun?

- ◆ Persons meeting criteria listed in 18 U.S.C. Sec. 922(g)
  - ◆ Convicted of crimes punishable by imprisonment of more than a year
  - ◆ Fugitives
  - ◆ Unlawful users or addicted to controlled substances
  - ◆ Adjudicated to be mentally incompetent
  - ◆ Unlawfully in the United States or admitted under nonimmigrant visas
  - ◆ Dishonorably discharged from the Armed Forces
  - ◆ Subject to a court order for stalking, harassing, or threatening an intimate partner or intimate partner's child
  - ◆ Convicted of misdemeanor domestic violence



# Civilians are still banned from carrying in...



## Courts

In “premises” of any court or offices used by the court

Interpretation of “premises” is disputed and litigation is pending.

At least, the term includes courtrooms and office rooms



## Open Meetings

If unlicensed (Tex. Penal Code § 46.03)

If licensed, if the entity provides notice that carrying handguns is prohibited under Tex. Penal Code §§ 30.06, 30.07

Unless otherwise noted, carrying in these locations is prohibited under Tex. Penal Code § 46.03.



# Civilians are still banned from carrying in...



## Polling Places

On the day of an election or while early voting is in progress



## Police Stations

Non-public, secure areas of law enforcement facilities

If there is appropriate signage

Tex. Gov't Code § 411.207

Unless otherwise noted, carrying in these locations is prohibited under Tex. Penal Code § 46.03.

# Civilians are still banned from carrying in...



## Airports

But only banned in  
“secured areas”



## Schools

On premises and at  
school sponsored  
activities, except  
pursuant to written  
regulations or  
authorization



## Sporting events

High school, collegiate,  
professional, or  
interscholastic

Unless otherwise noted, carrying in these locations is prohibited under Tex. Penal Code § 46.03.

# Government Facilities

- ◆ City may also regulate firearms other than handguns (long guns, for example) in:
  - ◆ Public parks
  - ◆ Public meetings
  - ◆ Political rallies, parades
  - ◆ Sporting events
- ◆ Local Government Code § 229.001(b)

## City's Current Policy

Pursuant to Executive Order 1-37,  
“all weapons, including all knives  
and all firearms, are prohibited on  
City premises, except as expressly  
provided by applicable state,  
federal and City laws, rules and  
regulations.”

# Impact of HB 1927 on the City

Licensed and unlicensed persons may carry handguns on City premises, unless otherwise prohibited by Penal Code section 46.03 or other law, but all other types of firearms are prohibited (e.g., long guns).

# Members of the public might see handguns...

- ◆ On sidewalks
- ◆ In ambulances
- ◆ In airport lobbies and baggage claims
- ◆ In police station lobbies
- ◆ In libraries
- ◆ In City parks and recreation centers
- ◆ In convention centers
  
- ◆ Note: The City generally does not have the capacity to conduct background checks to determine whether a person is prohibited from carrying a handgun before they enter a City facility.

You should not  
see civilians  
carrying  
handguns...

- ◆ Past the security line in airports
- ◆ At sporting events
- ◆ In courtrooms
- ◆ In open meetings of a governmental body
- ◆ In schools and at school-sponsored events
- ◆ In polling places



# Government Properties Leased to Private Entities

- ◆ Ken Paxton Opinion KP-0108
- ◆ Non-governmental entities leasing government property may post a notice prohibiting licensed carry under Tex. Penal Code §§ 30.06 and 30.07, and unlicensed carry under Tex. Penal Code § 30.05.

# City Employees

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City employees are prohibited from carrying firearms on City premises or in a City vehicle, unless required to do so in performance of their official duties

- Tex. Gov't Code § 411.203; City Code § 14-184

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Firearms may be left in locked, privately owned cars

- Tex. Labor Code §§ 52.061, 52.0621

# What should an employee if they observe someone carrying a handgun in a City facility?

- ◆ A person carrying a handgun in a holster should not automatically raise concern since it is allowed by law.
- ◆ Examples of when to call building security and/or law enforcement include: 1) Gun is removed from holster; 2) Gun holder seems intoxicated; 3) Gun holder appears very agitated or is causing a disturbance; 4) Gun holder is obviously committing a crime or acting in a reckless or suspicious manner; or 5) Gun holder is carrying in a place where weapons are prohibited by law.
- ◆ For emergency/life threatening calls, dial 911. For non-emergency calls, contact 713-884-3131.